

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND INDUSTRY**

Call to Order: By **CHAIRMAN JOHN HERTEL**, on March 3, 1999 at
9:00 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. John Hertel, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Bea McCarthy (D)
Sen. Glenn Roush (D)
Sen. Fred Thomas (R)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 63, 2/19/1999
HB 245, 2/19/1999
Executive Action: HB 245
HB 32
HB 211

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HEARING ON HB 63

Sponsor: REP. BRUCE SIMON, HD 18, BILLINGS

Proponents: Duane Steinmetz, Board of Plumbers
 Keith Allen, IBEW 233
 Dave Waldenberg, Masters Plumbers Assoc.
 Bob Nault, Board of Plumbers
 Jerry Lyford, Board of Plumbers
 Carl Schweitzer, MT Plumbers Assoc.

Opponents: Peter Blouke, Director, Department of Commerce
 Jim Kembel, MT Technical Council
 Gene Fenderson, MT Labor Unions
 Dave Cogley, Helena Contractor
 Mike Foster, MT Contractors Assoc.
 Rick Schlenker, Architect

Opening Statement by Sponsor:

REP. BRUCE SIMON, HD 18, BILLINGS. This is a simple bill which has a simple purpose. The Building Codes Division is allowed to adopt building codes by rule, but there's been a great deal of controversy concerning a movement to create the International Code, something put together by the International Conference of Building Officials. Not long ago the plumbing industry proposed to adopt the International Plumbing Code. However, the industry wasn't in favor and in the rules hearing they testified strongly against going to the International Code. The state stayed on the 1991 version of the Uniform Plumbing Code until just recently, even though about every three years the codes are updated; however, the pressure built and they finally adopted the 1997 version. This creates a problem because out-of-date versions in print are sometimes hard to find and there isn't the benefit of the latest code. It's up to the discretion of the building division to decide whether or not they want to adopt a new code. However, I don't think that's appropriate anymore so I proposed **HB 63**. The bill takes the rulemaking authority away and puts into the statute the actual building codes used today. I want to do that because there's still a lot of controversy and concern and if it is left to the Department of Commerce, before the legislature meets again in two years, it will adopt the International Code, which has no illustrated manuals. We need to slow down a bit and take our time. If, for the next two years, we stay with the codes we're currently using, we can see what other states are doing and if this is the place we're going. I would urge you to pass this bill to take that rulemaking authority away from the Department, put it in statute and determine that we'll make the decision.

Proponents' Testimony:

Duane Steinmetz, State Board of Plumbers. We stand in support of this bill because we're charged with examination of applicants for plumbers' licensure in Montana. This examination is based on the current Montana code and until recently we were working off the 1991 code, which was no longer in print. We're also charged with the discipline of licensees, which is already in statute. However, there's no follow-up on the current edition or a timely fashion to adopt the current edition. We need some consistency and the Uniform Plumbing Code provides illustrated manuals and study guides. We urge you to pass this bill.

{Tape : 1; Side : A; Approx. Time Counter : 7.2}

Keith Allen, International Brotherhood of Electrical Workers 233, Helena. I'm a state-licensed journeyman electrician. I have a copy of the 1999 Electrical Code which supercedes all previous editions; however, we're presently working under the 1996 code, something the National Electrical Code no longer recognizes. We urge the passage of **HB 63**.

Dave Waldenberg, Master Plumbers Association. We urge you to pass this bill. The three entities that put the plumbing industry together are the inspection force, engineers to design the systems and plumbing contractors who are responsible for installation and making it work. The plumbing contractors are working under the 1991 code, with a few changes because of new administrative rules; however, not all the changes are communicated clearly to all plumbers. The plumbing engineers are designing under the current code book and the inspectors are working under the 1991 codes; the result is a lot of confusion. This bill requires the current code be adopted within six months, which is a reasonable time. Different code entities are vying for code rights and some of them are very unclear (the International Code, for example). They leave a lot for interpretation, which I think needs to be omitted so things are kept as black and white as possible. Current uniform codes do just that.

Bob Nault, Board of Plumbers. We, as a Board, are giving tests to applicants for master and journeyman plumbers based on the 1991 code; however, just last year the building codes people adopted the 1997 code. A person has to install things according to the 1997 edition but if an apprentice applies to take the test, he is asked to go back to the 1991 code because the test is based on 1991 statute. We have asked building codes to update us with the amendments they made to the 1997 Uniform Plumbing Code but as yet we don't have them. It sounds confusing and it is, both to us as a Board and to the industry as well. We feel that

if a code is adopted, it should be done in a more timely manner. We ask your support of **HB 63**.

Jerry Lyford, Montana Board of Plumbers. I urge you to consider **HB 63** favorably. One of my concerns is there's no stability; at any given whim all building codes require is a public hearing. They take the input but don't listen, i.e. they do whatever they want to do. There needs to be some sort of check-and-balance system.

Carl Schweitzer, Montana Plumbers Association. We wholeheartedly endorse the passage of **HB 63**. Opponents may say these things don't need to be put into statute, but I would argue we're dealing with a code adopted in 1991, even though today is 1999. Therefore, we need to put these into statute because we want people to work under the most recent codes. We ask your support.

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Opponents' Testimony:

Peter Blouke, Department of Commerce. We oppose **HB 63** because: (1) The bill is unnecessary. The Department has been very responsive and diligent regarding public input into the rulemaking process. The history of the 1991 plumbing codes issue is as follows: In 1995, the Department proposed the adoption of the 1995 International Plumbing Code because the 1994 Uniform Plumbing Code was no longer in print. It was the Advisory Council's decision to stay with the 1991 Uniform Plumbing Code. This was a controversial issue so the Department decided to air it at a public hearing and there was significant testimony from both sides at the hearing. The Department decided to follow the Advisory Council's recommendation to stay with the 1991 code but made four affordable housing amendments to the code that resulted in savings of about \$5,400 per house. If the Advisory Council had wanted the Department to adopt the 1994 Uniform Plumbing Code it would have indicated as such. In 1997, the Department proposed to adopt the Uniform Plumbing Codes and in 1998, the Advisory Council again met on the issue and unanimously recommended its adoption, which the Department did; (2) The bill will interfere with natural and normal evolution of codes because Uniform Building Codes published by the ICBO (International Conference of Building Officials) and those published by the Council of American Building Officials are the last of those codes to be published; in fact, we are putting into statute the 1997 Uniform Building Code which will be replaced by the 2000 International Building Code. In other words, putting these codes, which are already antiquated and replaced, into statute will put Montana further behind; (3) The bill's requirement that

the Building Codes Division adopt each of the new codes within six months. It will put a tremendous burden on the Division because it takes a fair period of time just to go through the Administrative Rule process and to solicit public input into that process; therefore, six months is an unreasonable requirement. When the Building Codes Division adopts the rules, they have one hearing within the year to adopt all the various adjustments which means people have to come only once and the state saves a lot of money.

However, if the Committee determines it would like to go forward with the bill, I have two sets of amendments: **EXHIBIT(bus48a01)** and **EXHIBIT(bus48a02)**. The amendments in **EXHIBIT 1** are preferred by the Department.

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James Kembel, Montana Technical Council. He read his written testimony **EXHIBIT(bus48a03)** and supplemented his testimony with **EXHIBIT(bus48a04)** and **EXHIBIT(bus48a05)**.

Gene Fenderson, Montana Laborer's Union. Our interest is the Plumbing Code and we believe there is some merit in codifying the codes. Our members work for large utility contractors in Montana. The Uniform Plumbing Code defines including utility work be performed by licensed plumbers and we are adamantly opposed to plumbing licenses being required of those who are digging the ditches, laying the pipe, etc.; rather, we feel those people should be skilled and experienced laborers. Over the years we've litigated many cases on this subject and once again, the National Plumbing Code Committee seems to recommend that the Uniform Plumbing Code continue its strict licensure requirement includes a plumber's license for anyone performing utility work. We would recommend the adoption of the International Conference of Building Officials Codes; otherwise, we would ask you to not pass this bill. I will leave copies of **EXHIBIT(bus48a06)** with you.

{Tape : 1; Side : A; Approx. Time Counter : 33.3}

Dave Cogley, Building Contractor, Helena. He read his written testimony **EXHIBIT(bus48a07)**.

Mike Foster, Montana Contractors Association. When **HB 63** was heard in the House, we had no position on the bill. Now our organization has an interest in the bill because of those members who perform municipal utility-type work. I see it as the legislature being asked to play referee in an important turf battle and I wonder if that body should be asked to decide if it

should be in statute. The concept that once it is in statute, it is rigid, is important to remember when you, as a Committee, consider the outcome of this bill because we're talking about codes that will be defunct in two years, though they'll still be in our statute. While the rest of the world will be moving toward international codes, Montana will have in statute these other codes. Then if that is to be changed, instead of an administrative hearing process where people make written and oral comments, there will be an opportunity for the Department to make a decision without rulemaking. I would ask you to oppose the bill.

Rick Schlenker, Montana Institute of Architects. I agree with the testimony about putting it into statute and then having to deal again with the issue in two years. We do work for the federal government, National Guard, Forest Service, GSA (General Services Agency), Corp of Engineers and all use current national codes. Here, in Helena, we get a project in the state and we're sitting in the field with whatever you decide will be statute, which means we're working with that as well as with the national standard. Time and money is going to be spent as we try to juggle these codes that will be in statute but need to be changed every two years, i.e. the problem will not get any easier by putting this into statute. We recommend this bill be defeated.

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Questions from Committee Members and Responses:

SEN. VICKI COCCHIARELLA asked for explanation of "interfering with the natural flow" of code and the appearance there was no flow since they were still under the 1991 codes. **Peter Blouke** said he believed there had been flow; the Administrative Rule process in which the public had input was why they remained at 1991 so long. In 1995, they had an Advisory Committee because they were going to adopt the more current codes; however, the recommendations were to stay with the codes of 1991. It wasn't until 1998 they looked at adopting the more current code and again went to the public and Advisory Council, whose recommendation was to adopt it. He reiterated how the Department and building code has been responsive to the public input, which was why they remained with the 1991 code.

SEN. COCCHIARELLA said the law had language to deal with removing restrictive, obsolete, conflicting and unnecessary codes. She was interested in seeing the list of people who showed up at the hearings. Also, allowing those codes to stay there was breaking the law so how could the Department justify allowing the 1991 codes to remain. **Peter Blouke** said at the time they remained with 1991, they also adopted amendments to the 1991 code based on

recommendations from the Advisory Council. Perhaps part of the problem was the definition of "obsolete."

SEN. COCCHIARELLA asked how the Department could justify wanting one of the amendments (pertaining to the Uniform Plumbing Code) to be in statute but not the others. **Peter Blouke** said they opposed the bill entirely; however, if the Committee desired to put some of the codes in statute, the focus was on the Uniform Plumbing Code. The Department would like to isolate that and be given the flexibility to move forward to use the Administrative Rule process because they feel it's the best form to use.

SEN. COCCHIARELLA asked about the time frame in the amendments, since the 1991 codes were still in place. **Peter Blouke** said they were no longer under the 1991 codes, though it took about six months to make the change. As to updating the codes in an appropriate time frame, he said historically they had done that. It seemed the plumbing issue was the one before the Committee.

SEN. COCCHIARELLA said testimony revealed most of the code programs in Montana scored four to five points on a rating scale of ten, and these ratings affected the insurance rates. She suggested the record wasn't too impressive. **Peter Blouke** said he didn't see the testimony so he couldn't comment.

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SEN. GLENN ROUSH asked what problem the plumbers had with the bill. **Duane Steinmitz** said there were several reasons, which included people taking time off from work to attend these hearings. Also, they were accountable to the Board for their license if they didn't make the installation according to the code. The Board's position is they have to examine these people and if they don't have the study material available, they couldn't ask them to take the test. Licensure law is in statute while the plumbing code is only within the structure; therefore, licensure law supercedes any code requirements of licensure.

SEN. ROUSH said the rural communities in his district were opposing "maintenance" in the bill because they felt they'd be hamstrung in emergency situations, such as a broken water main, etc., since they probably wouldn't have a certified plumber. He wondered if their perception was correct. **Duane Steinmitz** said both Title 50 and Title 30 had provisions for minor repair work which exempted the need for a permit or licensure. Also, there was the temporary municipal resolution license granted to communities by the licensure board. Water and sewer mains fell under the jurisdiction of the Department of Environmental Quality.

SEN. BEA MCCARTHY asked what changes had been made between the 1991 and 1997 manuals. **Bob Nault** said he didn't know because they were so delayed in doing the code.

SEN. MCCARTHY asked on an average from one test to another, how many changes were made in the book which was used for testing. **Bob Nault** said he had been in the plumbing business since 1961 and when he began they were still using galvanized lead piping and not PVC or copper pipes, i.e. codes had changed immensely to keep up with the times. When the codes were adopted and amendments made, it needed to be done in a more timely fashion.

SEN. MCCARTHY commented the Department was very slow behind the plumbing industry and it would be possible to still be testing on the lead pipe, i.e. they hadn't gotten around to adopting the code. **Bob Nault** said over the years they had raised the standard; it seemed it was recently it wasn't in a timely fashion.

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SEN. MIKE SPRAGUE asked who sat on the Advisory Council. **Bob Nault** said the Board of Plumbers appointed a person every year to sit on the Advisory Committee of Building Codes.

SEN. SPRAGUE said PVC pipe came in 1968 but wondered how long it took to be able to use it. **Bob Nault** said it took about 20 years.

SEN. SPRAGUE asked for other examples of the need for updated codes and specifically, why it took so long. **Bob Nault** said he thought there were entities which didn't want to make change during the time of the lead pipe; however, change came because of licensed people working in the field. At that time the Board of Licensure and Building Codes Plumbing was all one. About 15 years ago, the two entities were split and the result was the Board of Plumbing has no jurisdiction under the Building Codes to determine materials, etc. He said they were only responsible for licensure. When the entities were one, it seemed the changes came about in a better way because they were made by people who worked with the product in the industry. The Advisory Committee is advisory only because Building Codes have the authority to do what it wants to.

SEN. JOHN HERTEL commented the title of the bill didn't refer to plumbers and wondered why the testimony was just from plumbers, i.e. how would other contractors be affected by **HB 63**. He asked the sponsor to address that in his closing.

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Closing by Sponsor:

REP. SIMON closed. The International Plumbing Code was the first code they tried to go after; in fact, in 1995, there was a proposal to adopt it but the industry said they didn't like that Code. To his knowledge, as of 1999, only one state had adopted the International Plumbing Code. Plumbers were "in the trenches"; other areas weren't involved and perhaps there was more agreement among them. This bill changes the procedure and keeps these people up to date. The Department of Commerce says it's been responsive; if that is so, why has it taken so long? I submit to you, the Advisory Council, said rather than be on the International Plumbing Code, they would stay on the 1991 Uniform Plumbing Code. The Building Code's Advisory Council is largely hand-picked by the Department but they advised against adopting the International Code; however, there was a rules hearing also, though it died because there was so much opposition. Work done in a public right-of-way simply isn't in the codes and I don't understand why they would try to suggest to you that if the bill passed, they were suddenly out of business. This bill puts into statute the exact codes we're using today and is designed to encourage slowing down. It wasn't until pressure, including public input, was put on that they decided to adopt the most recent version. Some of the proposed modifications wouldn't work and when confronted, they said it was just a mistake; in spite of public testimony which objected, they said their ideas were better than those of the public. **Mr. Kembel's** testimony said "tentative schedule", something they hoped to do. This process has been going on for a number of years and I'm not sure they're as ready as they think they are. If you want to consider these amendments from the Department of Commerce, I would suggest you kill this bill because they tear so much away from the bill there's no sense in having it. I would urge the Committee to concur in the bill as written.

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HEARING ON HB 245

Sponsor: **REP. BRUCE SIMON, HD 18, BILLINGS**

Proponents: **Jim Kembel, MT Technical Council**
Byron Roberts, Montana Building Industry Assoc.
Jani McCall, City of Billings
Dave Cogley, Helena
Bill Pierce, Helena Contractor
Steve Snezek, MT Assoc. of Realtors

Jim Brown, Department of Commerce
Carl Schweitzer, MT Plumbers Assoc.
Jerry Lyford, Board of Plumbers, Kalispell

Opponents: None

Opening Statement by Sponsor:

REP. BRUCE SIMON, HD 18, BILLINGS. A group of us got together to talk about what could be done within the statute, rules and regulations to make it more economical to build a house. This bill implements some of the recommendations that came from that unofficial group. **Section 1** of the bill deals with bringing the Building Codes Advisory Council into statute; currently, it isn't. This Council would be appointed by the Governor and its job would be to review changes being proposed to the codes, i.e. it would be a sounding board to discuss ideas. Through the rulemaking process, we changed the energy code by eliminating the requirement that a house with an unoccupied basement would need to be insulated. This change can save the home builder as much as \$3,000. We hope this group will continue to work toward finding additional things which will reduce the cost of home construction; however, we don't want to sacrifice health and safety. **Section 2** deals with something both the Department and industry want, i.e. create an education program administered by the Department so continuing education regarding code updates and changes can be available. This would create that opportunity and method of funding. **Section 3** deals with building code interpretations through a central registry. The information would be available to all Montana citizens. This part is important because builders build in many localities and changing the rules because of interpretations in different areas is costly because of the increased time it takes. **Section 4** sets up a method whereby the Department can improve a set of plans for model construction of a single-family dwelling. The builder would not have to have a total plan review again if he chose to build the same home across the street. The language in **Section 5** was addressed earlier. **Section 6** provides a checklist of requirements needed when applying for a building permit and **Section 7** talks about the purpose of the building code and is a reiteration of an earlier section of the bill. Some building codes are administered by the state but cities can be the agency to provide for that.

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Proponents' Testimony:

Jim Kembel, Montana Technical Council. We'd like to go on record as supporting this legislation.

Byron Roberts, Montana Building Industry Association. Montana has a serious affordable housing situation. On one hand, it's driven by the low salaries and current state economy; on the other hand, it's affected by the cost of development as it pertains to regulations, taxation, fees, etc. We worked with many organizations throughout the summer and this bill contains several recommendations from that effort to remove regulatory barriers. We feel the creation of a Montana Building Codes Advisory Council, legislatively created, would provide an opportunity to buffer the Department from some of the consequences of the rulemaking process. We feel that the 5% set aside for building codes education is essential because both Montana builders and building code officials need education in building codes. We also encourage the elimination of duplicate plan-check fees. We urge the passage of **HB 245**.

Jani McCall, City of Billings. We support this bill and think it looks for solutions rather than focusing on problems. We also think it allows partnership and cooperation.

Dave Cogley, Contractor, Helena. We in the Helena Building Industry Association wholeheartedly support the bill and thank **REP. SIMON** for bringing this forward.

Bill Pierce, Homebuilder, Helena. I strongly support **HB 245** and would like to thank **REP. SIMON** for his work as well as the Building Codes Division for its past efforts on affordable housing issues. Our objective with this bill is solutions because we as a housing industry are interested in promoting affordable housing in Montana; however, we are concerned about sound building codes and wish to comply with them. At the same time, we are asking for some redirection from the legislature to the departments which administer the codes to be more efficient and responsive to our needs.

Steve Snezek, Montana Association of Realtors. We support the bill and I would like to thank **REP. SIMON** for bringing this excellent legislation forward.

Jim Brown, Department of Commerce. We want to go on record as supporting this bill.

Carl Schweitzer, Plumbers Association. The last paragraph of the letter I'm handing each of you addresses a concern we have with the bill **EXHIBIT (bus48a08)**. Other than that, we ask favorable consideration for the bill.

Jerry Lyford, Master Plumber, Kalispell. I support the bill and the amendment offered by Dick Grover via **Carl Schweitzer** because the success of the Advisory Council includes its ability to have some authority.

Opponents' Testimony: None.

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Questions from Committee Members and Responses:

SEN. BEA MCCARTHY said Section 1 didn't indicate how often the Building Codes Council would meet. **REP. BRUCE SIMON** said it would meet as necessary; however, he didn't want them meeting "just to be meeting." The need for meeting would be driven by the issues.

SEN. MCCARTHY asked if the language in Section 2, Lines 12-13, needed to be stronger. **REP. SIMON** said the both the builders themselves and building officials want the additional education, i.e. there is a need for on-going education in both areas.

SEN. MIKE SPRAGUE asked if "statewide" on Page 3, Line 8, would end the territorial feelings that now exist. **REP. SIMON** said this bill dealt with building codes, not planning and zoning.

SEN. SPRAGUE commented zoning was relative to building and asked if the bill addressed that. **REP. SIMON** said it didn't, other than Title 50-60 in the codes had a section on manufactured housing.

SEN. SPRAGUE commented taxation made housing unaffordable for many people and asked if their meeting addressed that. **REP. SIMON** said the bill didn't deal with taxation; however, perhaps it would be dealt with in the property tax area.

SEN. SPRAGUE asked if the Montana Building Industry Association recognized there was a serious affordable housing/taxation dilemma. **Byron Roberts** said they did and they were looking at different types of taxation.

SEN. JOHN HERTEL asked for comment on the amendment suggested by **Carl Schweitzer**. **REP. SIMON** said he would leave the decision to the Committee.

SEN. SPRAGUE commented he didn't see anything about remodeling and wondered if that was intentional. **REP. SIMON** said it didn't

specifically speak to "remodeling" but the interpretation would have a strong impact on it.

Closing by Sponsor:

REP. SIMON closed. I think the Committee well understands **HB 245** and the bill has strong support across the lines. I would urge your support.

{Tape : 2; Side : A; Approx. Time Counter : 18.9}

EXECUTIVE ACTION ON HB 245

Discussion:

Bart Campbell said the amendments as suggested by **Carl Schweitzer** would no longer make it an advisory body but it would become a policy-setting council.

SEN. VICKI COCCHIARELLA said there were major problems with the building codes division and they included communication, training, unpredictability, people being uninformed, etc. She was afraid the Advisory Council would be basically a token and she hoped if nothing was done this session, something should be done next time. We need to ensure the Building Codes people are empowered to do the job they're supposed to be doing.

SEN. MCCARTHY said it was in code they needed to meet at least once a year, and additionally, if needed.

SEN. SPRAGUE suggested letting them get organized and then in two years a recommendation could be made.

Motion/Vote: **SEN. COCCHIARELLA** moved that **HB 245 BE CONCURRED IN. Motion carried unanimously. 7-0**

SEN. MIKE SPRAGUE will carry the bill on the Senate Floor.

EXECUTIVE ACTION ON HB 32

Motion: **SEN. MCCARTHY** moved that **HB 32 BE CONCURRED IN.**

Motion: **SEN. MCCARTHY** moved that **AMENDMENTS HB003201.abc BE ADOPTED.**

Discussion:

Mr. Bart Campbell, Legislative Assistant, explained the amendments **EXHIBIT (bus48a09)**, saying the language removed the unnecessary amendments which were added in the House.

Motion/Vote: SEN. MCCARTHY moved that AMENDMENTS HB003201.ABC BE CONCURRED IN. Motion carried unanimously 7-0.

Motion/Vote: SEN. MCCARTHY moved that HB 32 BE CONCURRED IN AS AMENDED. Motion carried unanimously 7-0.

SEN. VICKI COCCHIARELLA will carry the bill on the Senate Floor.

{Tape : 2; Side : A; Approx. Time Counter : 29.2}

EXECUTIVE ACTION ON HB 211

Motion: SEN. SPRAGUE moved that HB 211 BE CONCURRED IN.

Discussion:

SEN. HERTEL asked if the bill played any particular role in rural areas. SEN. FRED THOMAS said only if there was city-county consolidated government.

SEN. MCCARTHY said MACO (MT Assoc. of Counties) mentioned the only way they would be involved would be as a group. SEN. THOMAS said there was the potential that a county could do this, but he didn't see a difficulty.

SEN. MCCARTHY commented one of the concerns was in two years many of the current experienced legislators would not be here.

SEN. GLENN ROUSH commented he had a note on his bill copy that statutory language wasn't needed and wondered if anyone else had made the same note. SEN. THOMAS said SEN. DOHERTY's bill was the authority through the default supplier.

SEN. MCCARTHY referred to Line 18 and asked if an amendment needed to be added. SEN. SPRAGUE said he didn't remember an amendment; rather, clarification. SEN. THOMAS said he thought the clarification was only amending the municipality code so they could do this in addition to what they were doing now.

SEN. SPRAGUE commented he wanted to see the option available to counties, though he didn't think it would ever be practical for them to do this.

Vote: Motion that HB 211 BE CONCURRED IN carried unanimously,
7-0.

SEN. MIKE SPRAGUE will carry the bill on the Senate Floor.

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. JOHN HERTEL, Chairman

MARY GAY WELLS, Secretary

JH/MGW

EXHIBIT (bus48aad)